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10/676,369	10/01/2003	Sumit Agarwal	16113-767001 / GP-141-00-	3222

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
BRANDENBURG, WILLIAM A	

ART UNIT	PAPER NUMBER
3622	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/676,369	AGARWAL ET AL.	
	Examiner	Art Unit	
	WILLIAM A. BRANDENBURG	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) *1-8 and 25-32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-24 and 33-49* is/are rejected.

7)☒ Claim(s) *49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The following is a Final Office Action in response to communications received on 12/09/2010. No claims have been cancelled. Claims 9, 17, 33, 40-41 and 49 have been amended. No claims have been added. Therefore, claims 1-49 are pending and addressed below, except for those claims withdrawn in accordance with the Applicant's Election on 04/23/2008.

Claim Objections

2. The amendment filed on 12/09/2010, has **NOT** corrected the claim objections identified in the Office Action dated 07/09/2010. The Applicant has corrected the misspellings of the term “received” and one instance of the term “advertisement”. However, there still remain misspellings of the term "advertisement" in the claim. Thus, the Examiner hereby maintains the claim objections of claims 49 that was raised in the Office Action dated 07/09/2010. See below for further detail.

3. Claim 49 is objected to because of the following informalities:

Claim 49 recites "advertisment" in the second and third limitations. The Examiner notes these recitations contain spelling errors.

Appropriate correction is required.

4. Claim 40 is objected to because of the following informalities:

Claim 40 has been amended; however, the status identifier for the claim is listed as "Previously Presented". Claim 40 fails to be in compliance with MPEP 714, 37 CFR 1.121.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 9-24 and 33-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaser et al. (US 6,757,661 B1) (hereinafter Blaser) in view of Jacob et al. (US 2002/0161633 A1) (hereinafter Jacob).**

6. As per claim 9 (and similarly the Apparatus (col. 4, line 50 - col. 5, line 48) of claim 33), Blaser discloses a computer-implemented method for determining a score of an ad, the method being performed on a host and comprising:

receiving, using the host and at a local time for the host, from a remote local computer local time of interest information associated with the request from a remote computer (column 3, lines 39-47, ad server receives information about user, see also col. 4, lines 50-67, advertisements targeted and sent to users based on the user's geographic location and scheduling requirements of the ads, see also column 6, lines 29-62, information from client received and data sent according to scheduling requirements, see also col. 13, line 37 - col. 14, line 50, advertisement may be delivered as a real-time advertisement based on user information and obtained advertisement performance information) (The Examiner understands that if Blaser is obtaining user information including geographic information and the serving of

advertisements is controlled by time of day scheduling requirements, Blaser must be obtaining local time information of the user, particularly if Blaser has the ability of sending real-time advertisements. Otherwise, the serving constraint of "time of day" (e.g. 2:00 pm daily) would be completely negligible, as it would always be 2:00 pm somewhere, regardless of the end user's location, thus resulting in the advertisement always being served. Moreover, if the system of Blaser did not obtain local time information of the user device, then Blaser would not be able to serve the targeted advertisement according to the disclosed scheduling requirements. As such, the Examiner contends this understanding is reasonable and this particular limitation has been satisfied by Blaser.).

Blaser does not explicitly disclose

wherein the local time of interest information from the remote computer varies with the local time of interest information for the host;

accessing, using the host, an ad associated with local time of interest price information, the local time of interest price information indicating a price for an ad in association with a local time for a remote system perceiving the ad;

determining, using the host, whether the local time of interest price information for the ad is related to the received local time of interest information for the remote computer; and

if it is determined that the local time of interest price information for the ad is related to the received local time of interest information, then using the host to determine a score for the ad using at least the local time of interest price information.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send (column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32). In addition, Blaser teaches a direct correlation between ad performance and advertiser pricing criterion (column 3, lines 14-30).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob

teaches a location and time attribute associated with an advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). A major factor in determining which advertisements to place is the price an advertiser is willing to pay. Most likely the highest-paying advertisements are placed in descending order (i.e. scored or ranked) corresponding to the offer prices to place the advertisements ([0024-25]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane's Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price information in addition to the performance information already disclosed in Blaser. The rationale for combining in this

manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, as per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). As such, it would have been obvious for Blaser to include the teachings of Jacob of using location, time and specific pricing information to determine which advertisements to serve via scoring in an effort to ensure cost-effectiveness. Moreover, the Examiner notes that although Blaser does not specifically disclose the local information of the remote computer varying from the local information of the host, there are only a limited number of predictable arrangements one could implement, among which includes either the information being the same or the information being different. As such, it would have been obvious for Blaser to implement as such.

7. As per claim 10 (and similarly the Apparatus of claim 34), Blaser in view of Jacob discloses the method of claim 9 (as rejected above). Blaser further discloses wherein

the local time of interest information includes at least one of (a) at least one local time-of-day (column 6, lines 56-62, time of day to send), (b) at least one local time-of-day range, (c) at least one local date, (d) at least one local day-of-week, (e) at least one local date range (column 6, lines 56-62, first and last days to send), (f) at least one local day-of-week range, and (g) at least one local season.

8. As per claim 11 (and similarly the Apparatus of claim 35), Blaser in view of Jacob discloses the method of claim 9 (as rejected above). Blaser further discloses wherein the act of determining the score further comprises

using at least ad performance information (col. 10, lines 14-31, ad performance monitored and stored, col. 13, line 9 – col. 14, line 50, OSP compares performance records with target criteria in Ad Performance table, performance information used to determine whether ad should be served).

9. As per claim 12 (and similarly the Apparatus of claim 36), Blaser in view of Jacob discloses the method of claim 9 (as rejected above). Blaser further discloses wherein the act of determining the score further comprises

using at least local time of interest ad performance information (column 10, lines 12-31, Advertisement table includes preferred times of day to display advertisement, performance information including the times of day of the click-throughs is monitored and stored, col. 13, line 9 - col. 14, line 50, OSP compares performance records with target criteria in Ad Performance table, performance information used to determine whether ad should be served).

10. As per claim 13 (and similarly the Apparatus of claim 37), Blaser in view of Jacob discloses the method of claim 9 (as rejected above). Blaser further discloses wherein

the local time of interest information includes end user local time information provided in the request (column 3, lines 39-47, ad server receives information about user including geographic information, see also column 6, lines 29-62, information from client received and data sent according to scheduling requirements) (The Examiner understands that as geographic information is obtained, it is reasonable to construe local time information of the user has also been obtained in order to fulfill the scheduling requirements of the system. As such, the current limitation is satisfied.).

11. As per claim 14 (and similarly the Apparatus of claim 38), Blaser discloses the method of claim 13 (as rejected above). Blaser further discloses wherein

the end user local time information includes at least one of (a) at least one local time-of-day (column 6, lines 56-62, time of day to send), (b) at least one local time-of-day range, (c) at least one local date, (d) at least one local day-of-week, (e) at least one local date range (column 6, lines 56-62, first and last days to send), (f) at least one local day-of-week range, and (g) at least one local season.

12. As per claim 15 (and similarly the Apparatus of claim 39), Blaser discloses the method of claim 13 (as rejected above). Blaser further discloses wherein the act of determining the score further comprises

using at least ad performance information (col. 10, lines 14-31, ad performance monitored and stored, col. 13, line 9 – col. 14, line 50, OSP compares performance records with target criteria in Ad Performance table, performance information used to determine whether ad should be served).

13. As per claim 16 (and similarly the Apparatus of claim 40), Blaser discloses the method of claim 13 (as rejected above).

Blaser further discloses wherein the act of determining the score further comprises

using at least end user local time ad performance information (column 10, lines 12-31, Advertisement table includes preferred times of day to display advertisement, performance information including the times of day of the click-throughs is monitored and stored, col. 13, line 9 – col. 14, line 50, OSP compares performance records with target criteria in Ad Performance table, performance information used to determine whether ad should be served)).

14. As per claim 17 (and similarly the Apparatus (col. 4, line 50 – col. 5, line 48) of claim 41), Blaser discloses a computer-implemented method for determining a score of an ad, the method being performed on a host and comprising:

receiving, using the host and at a local time for the host, from a remote computer local time of interest information associated with a request from the remote computer (column 3, lines 39-47, ad server receives information about user, see also col. 4, lines 50-67, advertisements targeted and sent to users based on the user's geographic location and scheduling requirements of the ads, see also column 6, lines 29-62, information from client received and data sent according to

scheduling requirements, see also col. 13, line 37 - col. 14, line 50, advertisement may be delivered as a real-time advertisement based on user information and obtained advertisement performance information) (The Examiner understands that if Blaser is obtaining user information including geographic information and the serving of advertisements is controlled by time of day scheduling requirements, Blaser must be obtaining local time information of the user, particularly if Blaser has the ability of sending real-time advertisements. Otherwise, the serving constraint of "time of day" (e.g. 2:00 pm daily) would be completely negligible, as it would always be 2:00 pm somewhere, regardless of the end user's location, thus resulting in the advertisement always being served. Moreover, if the system of Blaser did not obtain local time information of the user device, then Blaser would not be able to serve the targeted advertisement according to the disclosed scheduling requirements. As such, the Examiner contends this understanding is reasonable and this particular limitation has been satisfied by Blaser.);

accessing, using the host, an ad associated with local time of interest performance information, the local time of interest performance information indicating a performance for

an ad in association with a local time (column 3, lines 39-47, information received from user, best-fit match is performed and advertisements are displayed to the users accordingly, based on the performance, the ad server refines the best-fit matches and display order for the user, col. 10, lines 14-31, ad performance monitored and stored including the time of day of click-throughs, col. 13, line 9 - col. 14, line 50, OSP compares performance records with target criteria in Ad Performance table, performance information used to determine whether ad should be served)see also column 10, lines 12-63);

determining, using the host, whether the local time of interest performance information for the ad is related to the received local time of interest information (Fig. 8, “815", col. 12, lines 1-13, best-fit analysis performed between the user and available advertisements, see also column 14, lines 15-20, ad performance examined to determine if ad exhibits a strong response from other users in similar demographic); and

if it is determined that the local time of interest performance information for the ad is related to the local time of interest information accepted, then using the host to determine the score for the ad using at least the local time of interest performance information (column 10, lines 12-31, Advertisement table includes preferred times of day to display

advertisement, performance information including the times of day of the click-throughs is monitored and stored, col. 13, line 9 - col. 14, line 50, OSP compares performance records with target criteria in Ad Performance table, performance information used to determine whether ad should be served).

Blaser does not explicitly disclose

local time of interest information associated with a request from a remote computer that varies with the local time of interest information for the host.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send (column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob teaches a location and time attribute associated with an

advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane's Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include local time of interest information associated with a remote computer that varies from the local time of interest information for the host. The rationale for combining in this manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, the Examiner notes that although Blaser does not specifically disclose the local information of the remote computer varying from the local information of the host, there are only a limited number of

predictable arrangements one could implement, among which includes either the information being the same or the information being different. As such, it would have been obvious for Blaser to implement as such.

15. As per claim 18 (and similarly the Apparatus of claim 42), Blaser in view of Jacob discloses the method of claim 17 (as rejected above). Blaser further discloses wherein

the local time of interest information includes at least one of (a) at least one local time-of-day (column 6, lines 56-62, time of day to send), (b) at least one local time-of-day range, (c) at least one local date, (d) at least one local day-of-week, (e) at least one local date range, (f) at least one local day-of-week range (column 6, lines 56-62, first and last days to send), and (g) at least one local season.

16. As per claim 19 (and similarly the Apparatus of claim 43), Blaser in view of Jacob discloses the method of claim 17 (as rejected below).

Blaser does not explicitly disclose wherein

the act of determining the score further comprises using at least ad price information.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send (column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32). In addition, Blaser teaches a direct correlation between ad performance and advertiser pricing criterion (column 3, lines 14-30).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob teaches a location and time attribute associated with an advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). A major factor in determining which advertisements to place is the price an advertiser is willing to pay. Most likely the highest-paying advertisements are placed in descending order (i.e. scored or ranked) corresponding to the offer prices to place the

advertisements ([0024-25]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane's Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price information in addition to the performance information already disclosed in Blaser. The rationale for combining in this manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, as per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). As such, it would have been obvious for Blaser to include the teachings of Jacob

of using location, time and specific pricing information to determine which advertisements to serve via scoring in an effort to ensure cost-effectiveness.

17. As per claim 20 (and similarly the Apparatus of claim 44), Blaser in view of Jacob discloses the method of claim 17 (as rejected below).

Blaser does not explicitly disclose wherein

the act of determining the score further comprises using at least local time of interest ad price information.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send (column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32). In addition, Blaser teaches a direct correlation between ad performance and advertiser pricing criterion (column 3, lines 14-30).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob teaches a location and time attribute associated with an advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). A major factor in determining which advertisements to place is the price an advertiser is willing to pay. Most likely the highest-paying advertisements are placed in descending order (i.e. scored or ranked) corresponding to the offer prices to place the advertisements ([0024-25]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane's Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price

information in addition to the performance information already disclosed in Blaser. The rationale for combining in this manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, as per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). As such, it would have been obvious for Blaser to include the teachings of Jacob of using location, time and specific pricing information to determine which advertisements to serve via scoring in an effort to ensure cost-effectiveness.

18. As per claim 21 (and similarly the Apparatus of claim 45), Blaser in view of Jacob discloses the method of claim 17 (as rejected above). Blaser further discloses wherein

the local time of interest information includes end user local time information (column 3, lines 39-47, ad server receives information about user including geographic information, see also column 6, lines 29-62, information from client received and data sent according to scheduling

requirements) (The Examiner understands that as geographic information is obtained, it is reasonable to construe local time information of the user has also been obtained in order to fulfill the scheduling requirements of the system. As such, the current limitation is satisfied.).

19. As per claim 22 (and similarly the Apparatus of claim 46), Blaser discloses the method of claim 21 (as rejected above). Blaser further discloses wherein

the end user local time information includes at least one of (a) at least one local time-of-day (column 6, lines 56-62, time of day to send), (b) at least one local time-of-day range, (c) at least one local date, (d) at least one local day-of-week, (e) at least one local date range, (f) at least one local day-of-week range (column 6, lines 56-62, first and last days to send), and (g) at least one local season.

20. As per claim 23 (and similarly the Apparatus of claim 47), Blaser discloses the method of claim 21 (as rejected below).

Blaser does not explicitly disclose wherein the act of determining the score further comprises

using at least ad price information.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send (column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32). In addition, Blaser teaches a direct correlation between ad performance and advertiser pricing criterion (column 3, lines 14-30).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob teaches a location and time attribute associated with an advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). A major factor in determining which advertisements to place is the price an advertiser is willing to pay. Most likely the highest-paying advertisements are placed in descending order (i.e. scored or ranked) corresponding to the offer prices to place the

advertisements ([0024-25]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane's Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price information in addition to the performance information already disclosed in Blaser. The rationale for combining in this manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, as per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). As such, it would have been obvious for Blaser to include the teachings of Jacob

of using location, time and specific pricing information to determine which advertisements to serve via scoring in an effort to ensure cost-effectiveness.

21. As per claim 24 (and similarly the Apparatus of claim 48), Blaser discloses the method of claim 21 (as rejected below).

Blaser does not explicitly disclose wherein the act of determining the score further comprises

using at least end user local time ad price information.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send (column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32). In addition, Blaser teaches a direct correlation between ad performance and advertiser pricing criterion (column 3, lines 14-30).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob teaches a location and time attribute associated with an advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). A major factor in determining which advertisements to place is the price an advertiser is willing to pay. Most likely the highest-paying advertisements are placed in descending order (i.e. scored or ranked) corresponding to the offer prices to place the advertisements ([0024-25]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane's Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price

information in addition to the performance information already disclosed in Blaser. The rationale for combining in this manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, as per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). As such, it would have been obvious for Blaser to include the teachings of Jacob of using location, time and specific pricing information to determine which advertisements to serve via scoring in an effort to ensure cost-effectiveness. Moreover, the Examiner notes that although Blaser does not specifically disclose the local information of the remote computer varying from the local information of the host, there are only a limited number of predictable arrangements one could implement, among which includes either the information being the same or the information being different. As such, it would have been obvious for Blaser to implement as such.

22. As per claim 49, Blaser discloses a computer-readable medium (col. 5, line 38 - col. 6, line 28) having embodied thereon a computer program configured to provide digital advertisements, the medium comprising one or more code segments that, when executed on a processor, cause the processor to:

receive, at a local time for a host and from a remote computer, a request for one or more digital advertisements in response to user input from an end user and (column 9, lines 19-40, user requests data for OSP server, see also column 3, lines 39-47, ad server receives information about user, see also column 6, lines 29-62, information from client received and data sent according to scheduling requirements);

receive, from the remote computer, end user local time of interest information associated with the request (column 3, lines 39-47, ad server receives information about user, see also col. 4, lines 50-67, advertisements targeted and sent to users based on the user's geographic location and scheduling requirements of the ads, see also column 6, lines 29-62, information from client received and data sent according to scheduling requirements, see also col. 13, line 37 - col. 14, line 50, advertisement may be delivered as a real-time advertisement based on user information and obtained

advertisement performance information) (The Examiner understands that if Blaser is obtaining user information including geographic information and the serving of advertisements is controlled by time of day scheduling requirements, Blaser must be obtaining local time information of the user, particularly if Blaser has the ability of sending real-time advertisements. Otherwise, the serving constraint of "time of day" (e.g. 2:00 pm daily) would be completely negligible, as it would always be 2:00 pm somewhere, regardless of the end user's location, thus resulting in the advertisement always being served. Moreover, if the system of Blaser did not obtain local time information of the user device, then Blaser would not be able to serve the targeted advertisement according to the disclosed scheduling requirements. As such, the Examiner contends this understanding is reasonable and this particular limitation has been satisfied by Blaser.),

for at least one of a plurality of digital advertisements:

provide the digital advertisment with a highest score in response to the received request (column 12, lines 1-53, correlation or match between the user and the pool of available advertisements, OSP server performs a best fit-analysis between the user and the available advertisements and

compiles a list of advertisements that are particularly suited for the user, a set of best-fit advertisements for the user is then compiled by the OSP server, play list established based on best-fit analysis specifying an order of the advertisments, user is regularly provided with an update optimized player).

Blaser does not explicitly disclose

end user local time of interest information that varies with the local time of interest information for the host;

for at least one of a plurality of digital advertisements:

determine whether the digital advertisment has local time of interest price information that is related to the local time of interest information received; and

if it is determined that the digital advertisement has local time of interest price information that is related to the local time of interest information accepted, then determine a score using at least the local time of interest price information.

However, Blaser does teach receiving information from the client to determine which information should be sent to the client (column 6, lines 19-27). The data sent to the users has scheduling requirements including the time of day to send

(column 6, lines 56-65). The advertisement table includes the preferred times of day at which the advertisement is displayed to users as well as performance information (column 10, lines 12-32). In addition, Blaser teaches a direct correlation between ad performance and advertiser pricing criterion (column 3, lines 14-30).

In addition, Jacob teaches using location and time to target advertisements to specific users (Abstract, [0005]). Jacob teaches a location and time attribute associated with an advertisement. A current location for a user device is determined, compared to the location attributes of the advertisement and the advertisement is delivered to the user upon a determined match ([0005], [0027-36]). A major factor in determining which advertisements to place is the price an advertiser is willing to pay. Most likely the highest-paying advertisements are placed in descending order (i.e. scored or ranked) corresponding to the offer prices to place the advertisements ([0024-25]). Attributes assigned to an advertisement include geographic location and time significance ([0027-36]). For example, Jane’s Pancake House wants to advertise in certain geographic locations and wants the advertisements delivered during a specific time. The

service provider will charge a premium for this service because not only is Jane getting a geographic focus for her advertising, but she is also getting her advertising delivered based on a time component ([0028]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaser to include price information in addition to the performance information already disclosed in Blaser. The rationale for combining in this manner is that both Blaser and Jacob are directed towards location- and time-based targeted advertising. Furthermore, as per the teachings of Blaser, there is a direct correlation between ad performance and advertiser pricing criterion and it is a common practice in the art that advertisers determine pricing criterion and bidding schemes based on performance of the ads. This would allow the advertiser to ensure they are getting the best Return on Investment (ROI). As such, it would have been obvious for Blaser to include the teachings of Jacob of using location, time and specific pricing information to determine which advertisements to serve via scoring in an effort to ensure cost-effectiveness. Moreover, the Examiner notes that although Blaser does not specifically disclose the local information of the remote computer varying from the

local information of the host, there are only a limited number of predictable arrangements one could implement, among which includes either the information being the same or the information being different. As such, it would have been obvious for Blaser to implement as such.

Response to Arguments

23. Applicant's arguments filed 12/09/2010 have been fully considered but they are not persuasive.

24. In the remarks, the Applicant argues the following with respect to claim 9, as amended:

(a) Blaser is entirely silent about receiving, using the host and at a local time for the host, from a remote computer local time of interest information associated with a request from the remote computer; and

(b) irrespective of however Jacob describes advertisements are targeted based on location, Jacob also fails to describe or suggest "receiving, using the host and at a local time for the host, from a remote computer local time of interest information associated with a request from the remote computer".

In response to these arguments, the Examiner respectfully disagrees.

25. As per arguments (a) and (b), Blaser discloses the following:

(column 3, lines 39-47, ad server receives information about user, see also col. 4, lines 50-67, advertisements targeted and sent to users based on the user's geographic location and scheduling requirements of the ads, see also column 6, lines 29-62, information from client received and data sent according to scheduling requirements, see also col. 13, line 37 - col. 14, line 50, advertisement may be delivered as a real-time advertisement based on user information and obtained advertisement performance information).

Based on this disclosure, it is clear that Blaser discloses "extrinsic evidence" in the form of the user's geographic location (i.e. local time information) and scheduling requirements (e.g. time of day).

The Examiner understands that if Blaser is obtaining user information including geographic information and the serving of advertisements is controlled by time of day scheduling requirements, Blaser must be obtaining local time information of the user, particularly if Blaser has the ability of sending

real-time advertisements. Otherwise, the serving constraint of "time of day" (e.g. 2:00 pm daily) would be completely negligible, as it would always be 2:00 pm somewhere, regardless of the end user's location, thus resulting in the advertisement always being served. Moreover, if the system of Blaser did not obtain local time information of the user device, then Blaser would not be able to serve the targeted advertisement according to the disclosed scheduling requirements.

As such, the Examiner contends this understanding is reasonable and this particular limitation has been satisfied by Blaser.

Moreover, Jacob does not only disclose targeting ads based on location as the Applicant purports. Jacob clearly discloses targeting ads based on a time constraint (as supported in [0028] and [0033-34]). And as the argued limitation has been addressed by Blaser, the Applicant's argument that the Jacob publication fails to suggest this limitation is considered moot. Regardless, the same interpretation used by the Examiner in applying Blaser to address the currently argued limitation can be applied to the teachings of Jacob.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM A. BRANDENBURG whose telephone number is (571)270-5488. The examiner can normally be reached on Monday-Thursday 6:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Eric Stamber can be

reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. A. B./
Examiner, Art Unit 3622

/John Van Bramer/
John Van Bramer
Primary Examiner, Art Unit 3622